

Message Text

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ACTION NEA-06

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C O N F I D E N T I A L CALCUTTA 2366

LIMDIS

E.O. 11652: GDS

TAGS: CASC, PFOR, IN

SUBJ: HARCOS/FLETCHER

REF: NEW DELHI 14674 AND 14878

1. S.P. DUDHWEWALA, LAWYER FOR HARCOS, ADVISED CONSUL O'NEILL NOV. 7 THAT HE HAD BEEN INFORMED BY THE PUBLIC PROSECUTOR IN THE HARCOS/FLETCHER TRIAL THAT LAWYER BHOSE WHEN SEARCHED ON OCT. 20 BY "CUSTOMS, INTELLIGENCE AND THE SPECIAL BRANCH" WAS FOUND IN POSSESSION OF THE FOLLOWING: (A) 66 DOCUMENTS, MANY OF THEM ORIGINAL OR CERTIFIED COPIES OF COURT RECORDS RELATING TO THE HARCOS/FLETCHER IN CAMERA TRIAL AND TO ANOTHER OFFICIAL SECRETS ACT TRIAL INVOLVING INDIAN MILITARY PERSONNEL WHO WERE ARRESTED ON THE INDIAN/PAKISTAN BORDER APPROXIMATELY SIX YEARS AGO AND WHO ARE ALSO SCHEDULED FOR TRIAL IN CALCUTTA IN DECEMBER; (B) A LETTER OF INTRODUCTION FROM MR. FLETCHER TO AN UN-NAMED INDIVIDUAL IN CALIFORNIA WHICH HAS NOT PASSED THROUGH SPECIAL BRANCH CENSORSHIP AND THIS IS SPECIFICALLY FORBIDDEN BY THE CODE OF CRIMINAL PROCEDURES AND COURT ORDER; (C) BILLS FOR SERVICE RENDERED BY BHOSE IN INDIAN AMOUNTING TO BETWEEN THREE AND SEVEN LAKHS OR RUPEES (\$35-75,000) WHICH WERE TO BE PAID IN STERLING IN THE UNITED KINGDOM.

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2. DUDHWEWALA SAID THAT THE PUBLIC PROSECUTOR ADVISED THAT

A CASE WAS NOW BEING PREPARED AGAINST BHOSE ON VIOLATION OF THE OFFICIAL SECRETS ACT AND ALSO FOR VIOLATION OF CURRENCY REGULATIONS. THE CASE IS BEING PREPARED BY INVESTIGATION OFFICE (IO) ALOK GHOSH WHO IS ALSO THE IO IN THE HARCOS/FLETCHER TRIAL. THE PERSONAL ENMITY GHOSH BEARS BHOSE IS WELL KNOWN.

3. DUDHWEWALA SAYS THE CIRCUMSTANCES REGARDING THE SEARCH OF BHOSE'S EFFECTS, RECONFISCATION OF COURT DOCUMENTS, "ARREST" AT THE AIRPORT, AND PERMISSION TO PROCEED ON HIS TRIP ON INSTRUCTIONS FROM THE CHIEF MINISTER, IS WELL KNOWN THROUGHOUT THE LEGAL COMMUNITY. (NOTE: THIS IS NOT KNOWN NOT BORN OUT BY A QUIET CHECK WITH A COUPLE OF OUR CLOSE FRIENDS IN THE LEGAL PROFESSION. HOWEVER, IT WILL BE TRUE IF IT ISN'T ALREADY AS SOON AS THE COURT RECONVENES.) HE BELIEVES BHOSE WILL BE ARRESTED IMMEDIATELY UPON HIS RETURN FROM THE UNITED KINGDOM. HE ALSO SPECULATED THAT BHOSE MIGHT NOT RETURN TO INDIA UNLESS HE IS ASSURED THAT HE WILL NOT BE PROSECUTED. EVEN IF BHOSE IS NOT ARRESTED DUDHWEWALA FEELS THAT HE HAS BEEN COMPROMISED AND WONDERED IF HE COULD CONTINUE TO REPRESENT FLETCHER IN ANY CASE. (COMMENT: WE DON'T BELIEVE HE WILL BE ALLOWED TO CONTINUE TO REPRESENT FLETCHER.)

4. THIS SITUATION ALSO OPENS THE QUESTION OF THE CONTINUATION OF BAIL FOR HARCOS AND FLETCHER, ACCORDING TO DUDHWEWALA, AS BAIL COULD BE CANCELLED IF BHOSE IS ARRESTED SINCE THE QUARTERS WHERE THEY NOW RESIDE ARE DIRECTLY ABOVE THE QUARTERS AND OFFICE OF BHOSE.

5. DUDHWEWALA HIMSELF IS NOTICEABLY UPSET BY THIS TURN OF EVENTS. HE NOTED THAT HE HIMSELF HAS BEEN VERY CAREFUL TO OBSERVE ALL THE RULES AND STATED THAT HE WILL HAVE TO BE EVEN MORE CAREFUL IN THE FUTURE.

6. COMMENT: WHILE WE KNOW OF NO REASON TO DOUBT THIS ACCOUNT, IT SHOULD BE REGARDED AS UNCONFIRMED. NOTE THAT CHIEF MINISTER SAID NOTHING TO ME ABOUT CURRENCY VIOLATION ALTHOUGH HE SAID HE HAD JUST READ THE REPORT OF THE ARREST. PICKERING

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